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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/776,647	02/10/2004	Andrew Emang	2075-003	1753
20575	7590	10/04/2005		
MARGER JOHNSON & MCCOLLOM, P.C. 210 SW MORRISON STREET, SUITE 400 PORTLAND, OR 97204			EXAMINER BOEHLER, ANNE MARIE M	
			ART UNIT	PAPER NUMBER
			3611	

DATE MAILED: 10/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

*He*

**Office Action Summary**

Application No.

10/776,647

Applicant(s)

EMANG ET AL.

Examiner

Anne Marie M. Boehler

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) 20-43 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>10/7/2004</u> .   | 6) <input type="checkbox"/> Other: _____                                    |

### DETAILED ACTION

1. The disclosure is objected to because of the following informalities: Applicant's use of the term "cantilever" is inaccurate. A cantilever arm has a fixed end and a free end. The elements that applicant refers to as cantilevered are pivotally connected at one or both ends.

Appropriate correction is required.

2. Claims 4-7 and 15-16 are objected to because of the following informalities: Applicant uses the term "cantilever" inaccurately. Appropriate correction is required.

3. Claims 20-44 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on August 30, 2005.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-6, 8, 9, 13, 15-17, and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Saunders (USPN 2,285,616).

Saunders shows a vehicle with a frame 10-12 with track 20, a seat assembly 50, and a rail clamp 32-40. The rail clamp includes movable members 32, 32A with pads

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(lower ends of dogs 32 that engage notched portions of the frame). The clamp includes a fixed portion 40 and a handle 37 mounted to movable portion 32. The handle is coupled to movable portions 32, 32A by a first pivot 34, a second pivot (between 32 and attachment 55). The attachment is coupled between the second pivot and a third pivot at the second movable portion 32A.

6. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Lehman (USPN 6,203,043).

Lehman shows a vehicle with a longitudinally sliding seat. It includes a frame 102, supporting a seat 104, clamp including a pair of movable members 184, 186, a fixed member 182, and a pivotable handle 190, as broadly recited

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 7, 10-12, 14, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saunders.

Saunders is silent regarding the pads being removable from the movable portions and being knurled. However, it is old and well known and would have been obvious in order to provide removable pads for replacement when worn and to knurl the engagement surfaces of the pads, in order to improve the grip of the clamp. Saunders is also silent regarding the material used for the clamp and frame. However, aluminum is a common material in automotive structures because it is strong and light weight. It

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would have been obvious to one of ordinary skill to construct the frame and clamp of Saunders using anodized aluminum, as is old and well known, in order to provide a strong and light weight structure.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ullman and Elio each show a longitudinally movable seat with a rail clamp.

Drake shows an adjustable seat with knurled surfaces for increasing frictional resistance.

Ogisu shows a movable seat with a rails clamp.

DE 3540976 shows a vehicle with a longitudinally movable seat.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anne Marie M. Boehler whose telephone number is 571-272-6641. The examiner can normally be reached on 7:30-5:00, Monday-Thursday, and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 571-272-6612. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*amb 9/29/05*  
Anne Marie M. Boehler  
Primary Examiner  
Art Unit 3611

amb